

769-222 Div. 2



DAC JFW

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Ausnit Customer No. 29540

Serial No.: 10/040,117

For: **PROCESS AND APPARATUS FOR FORMING
PACKAGING BAGS WITH A FASTENER**

Filed: January 4, 2002

Examiner: Sipos

Art Unit: 3721

Pitney Hardin LLP
7 Times Square
New York, New York 10036-7311

See copy

**PETITION UNDER RULE 78(a)(3) TO ACCEPT
UNINTENTIONALLY DELAYED PRIORITY CLAIM**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

SIR:

Patentee respectfully petitions for the acceptance of an unintentionally delayed

I hereby certify that this correspondence is being deposited
with the United States Postal Service as first class mail in
an envelope addressed: Commissioner of Patents and Trademarks,
P.O. Box 1450, Alexandria, VA 22313-1450 on October 6, 2004

Ronald E. Brown

Attorney

Ronald E. Brown
Signature

October 6, 2004

Date of Signature

The Commissioner is hereby authorized to charge any additional
fees which may be required, or credit any overpayment to
Account No. 50-1145, Order No. 099998.000069.

Adjustment date: 12/03/2004 AKELLEY
10/22/2004 ENINWONS 00000001 501145 10040117
01 FC:1460 130.00 CR
12/03/2004 AKELLEY 00000005 501145 10040117
01 FC:1454 1370.00 DA

1232418A01100504

priority claim to include U.S. patent application serial no. 09/633,944, filed August 8, 2000 and which was pending on January 4, 2002 (the filing date of this application). This priority was originally requested on December 23, 2002 as shown in the attached copy of the Preliminary Amendment

It is respectfully submitted that said Preliminary Amendment provides the reference to the prior-filed application under 35 U.S.C. §120, as required by Rule 78(a)(3)(i)

The surcharge set forth in Rule 17(t) as required by Rule 78(a)(3)(ii) may be charged to Deposit Account No. 50-1145, Order No. 099998.000069.

In accordance with Rule 78(a)(3)(iii), patentee states that the entire delay between the date the claim was due under Rule 78(a)(2)(ii) and the date the claim was filed was unintentional.

Respectfully submitted,



Gerald Levy
Registration No. 24,419

Ronald E. Brown
Registration No. 32,200

Pitney Hardin LLP
7 Times Square
New York, New York 10036-7311
(212) 297-5800